

ESTTA Tracking number: **ESTTA550076**

Filing date: **07/23/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	MD BARBER SUPPLY, LLC
Granted to Date of previous extension	07/27/2013
Address	972 Dexter Way Ripon, CA 95366 UNITED STATES
Correspondence information	Dave Wallace CEO MD BARBER SUPPLY, LLC 972 Dexter Way Ripon, CA 95366 UNITED STATES dave@mdbarber.com Phone:8669395588

Applicant Information

Application No	85793247	Publication date	05/28/2013
Opposition Filing Date	07/23/2013	Opposition Period Ends	07/27/2013
Applicant	Nuru, Kamal 464 West 126 Street 3A New York, NY 10027 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. First Use: 2010/11/00 First Use In Commerce: 2010/11/00
All goods and services in the class are opposed, namely: Entertainment services in the nature of competitions in the barber industry; multi-media program series regarding the barber industry distributed via various platforms across multiple forms of transmission media

Grounds for Opposition

The mark is merely descriptive	Trademark Act section 2(e)(1)
Genericness	Trademark Act section 23

Attachments	Opposition Summary.pdf(87544 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address

record by Overnight Courier on this date.

Signature	/Dave Wallace/
Name	Dave Wallace
Date	07/23/2013



MD BARBER SUPPLY, LLC opposes application #85793247 "BARBER BATTLE" on the following grounds:

1. The mark is merely descriptive [Trademark Act section 2(e)(1)]
 - a. The term "BARBER" merely indicates a professional hair stylist who specializes in men's haircuts.
 - b. The term "BATTLE" simply means a struggle or competition.
 - c. Taken together the term simply describes a competition among professional barbers
2. Genericness [Section 23, Trademark Act]
 - a. There are currently dozens of organizations hosting these competitions under the mark BARBER BATTLE all over the United States each year.
 - b. The mark does not indicate, in the mind of the general public, the host, location, vendor, manufacturer, or anything specific regarding the competition. Consumers generally ask "*Who is hosting this barber battle?*" when deciding whether or not to attend. We believe this indicates that the mark is generic for a 'competition among barbers' or a 'trade show featuring barber products'.
 - c. The applicant hosts only a small percentage of the events held annually under this mark, and attendance at those events is a small percentage of the overall attendance at such events nationwide.
 - d. The applicant's association with this mark is weak at best in terms of social media identification, general internet searches, and domain name registrations. Each of these measures may be imperfect on its own but when they are taken together it is clear that this mark is generic and has been broadly used prior to the applicant's first use.